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July 28, 2017

Molly Dwyer, Clerk of the Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

RE: *Jacob Gregoire v. California Highway Patrol, et al.*
United States Court of Appeals for the Ninth Circuit, Ninth Circuit, Case No. 16-55286

Dear Ms. Dwyer:

In response to ECF Document 37 for the above-listed case, I am writing to inform the Court that I have scheduling conflicts for the proposed scheduling of oral arguments the weeks of November 6 through 9 and November 13 through 17, 2017 on the Pasadena Calendar. I am scheduled to begin jury trial on November 14, 2017, in the federal civil rights action of *Jossie Ramos, et al. v. Gary Swatzell, et al.*, United States District Court for the Central District of California, ED CV 12 – 01089 BRO (SPx). This trial matter will require extensive time commitments throughout October and the first two weeks of November to prepare for trial, and I will have little time, if any, to also prepare for oral arguments in the above-listed *Gregoire* case.

I also have two jury trials in October that will make it difficult to allot time for preparation for oral arguments in the *Gregoire* case. The first trial begins on October 20, 2017, in the Riverside County, California Superior Court case of *Pedro Miramontes v. Cynthia Y. Tampkins*, RIC1600817. The second trial begins on October 30, 2017, in the Orange County, California Superior Court case of *Susanna Mesa Ells, et al. v. William Bardens, et al.*, 30-2016-00875419-CU-PA-CJC.

In addition, I am scheduled for a personal appearance at a mandatory settlement conference on November 6, 2017, at 9:30 a.m. in the federal civil rights case of *Fabian Nava v. Pamela Velardi, et al.*, United States District Court for the Southern District of California, 15-cv-01156-AJB-BLM. I am also scheduled for a Final Pretrial Conference on November 9, 2017, at 2:30 p.m., in the federal civil rights case of *James Austin v. R. Walker, et al.*, United States District Court for the Southern District of California, 3:16-cv-02088-CAB-JLB.

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I am respectfully requesting that oral arguments in the *Gregoire* case be set on a Pasadena Calendar later than the November 2017 calendar.

Sincerely,

/S/ Douglas E. Baxter

DOUGLAS E. BAXTER
Deputy Attorney General

For XAVIER BECERRA
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